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In re Application of :
Okada et al. :
Application No.: 10/520,016 :
PCT No.: PCT/JP03/08306 :
Int. Filing Date: 30 June 2003 : DECISION
Priority Date: 01 July 2002 :
Attorney Docket No.: 3348/2 :
For: Human IgM Antibody Lysing Activated Lymphocytes :
Under Mediation By Homologous Complement :

This is in response to the "Reply to Notification of Defective Response" filed on 20 January 2010, which includes a petition under 37 CFR 1.137(b).

BACKGROUND

In a Decision mailed on 15 May 2009, the petition filed on 16 March 2009 was treated under 37 CFR 1.181 and granted. The application was returned to the Office of Patent Application Processing for further processing, including processing of the response filed on 07 May 2007.

On 08 June 2009, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed, requiring a computer-readable form (CRF) of the sequence listing, and a statement that the CRF of the sequence listing is identical to the written (paper or CD) sequence and, where applicable, contains no new matter. The period for response expired as of midnight on 08 July 2009. The international application became abandoned with respect to the national stage in the United States for failure to timely reply.

On 20 January 2010, applicants filed the instant reply, including a petition under 37 CFR 1.137(b).

On 19 February 2010, another Notification of Defective Response (Form PCT/DO/EO/916) was mailed.

On 18 March 2010, applicants filed a further response.

DISCUSSION

Petitioner states that the Notification of Defective Response mailed on 08 June 2009 "was never received by mail by the Applicant," but this statement is accompanied by a petition under 37 CFR 1.137(b).

The petition complies with 37 CFR 1.137(b) because the required reply has been filed.

The petition complies with 37 CFR 1.137(b)(2) because the petition fee has been paid.

The petition complies with 37 CFR 1.137(b)(3) because it includes an appropriate statement of unintentional delay.

The petition complies with 37 CFR 1.137(b)(4) because no terminal disclaimer is required.

Therefore, all of the requirements for reply under 37 CFR 1.137(b) have been satisfied.

DECISION

The petition is **GRANTED**.

This application is being returned to the Office of Patent Application Processing for continued processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **20 October 2005**.

/George Dombroske/
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